



# California Regulatory Notice Register

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JUNE 25, 2010

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

##### ADOPTION

Multi County: Mission View Public Charter, Inc.

##### AMENDMENT

Multi County: Lassen Community College District  
Consolidated Irrigation District  
Santa Maria Bonita Joint School  
District  
Yuba Community College District

A written comment period has been established commencing on **June 25, 2010** and closing on **August 9, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section

87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **August 9, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed codes and approve them as revised, or return the proposed codes for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo,

Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 2. STATE ALLOCATION BOARD**

### NOTICE OF PROPOSED REGULATORY ACTION

#### THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.162.3 AND 1859.171, AND ADOPT SECTION 1859.172, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend Regulation Sections 1859.162.3 and 1859.171, and adopt Regulation Section 1859.172, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend and adopt the above-referenced regulation sections under the authority provided by Sections 17070.35, 17078.63 and 17078.64 of the Education Code. The proposal interprets and makes specific reference Sections 17078.53, 17078.54, 17078.62 and 17078.63 of the Education Code.

#### INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

These proposed amendments to the SFP Regulations will implement Senate Bill (SB) 592, Chapter 192, Statutes of 2009 (Romero) which adds local governmental entities and charter schools as authorized entities to hold title to charter school projects receiving funds under the Charter School Facilities Program (CSFP). Prior to SB 592, the school district where a CSFP project was physically located was required to hold title to the project facilities. These regulatory amendments implement SB 592 by setting forth criteria for the three entities that can hold title to charter school project facilities:

- School District
- Local Governmental Entity
- Charter School

The regulatory amendments help ensure the appropriate usage of State bond funds by protecting State interests in the chain of title for charter school facilities, while assuring their continued use for public school purposes, and setting forth specific disposition guidelines pursuant to the Education Code.

In addition, for charter schools that have entered into the Charter School Agreements prior to January 1, 2010, SB 592 authorizes the school district to transfer title at the charter school's request if the district and charter school mutually agree to the terms and conditions of the transfer.

The CSFP was created by Assembly Bill 14, Chapter 935, Statutes of 2002 (Goldberg). The CSFP allows funding for the construction of new charter school facilities or the rehabilitation of existing school district facilities for charter school use. A combined total of \$900 million was made available for the Program through the passage of Propositions 47, 55, and 1D (the Kindergarten–University Public Education Facilities Bond Acts of 2002, 2004, and 2006, respectively).

The proposed amendments and new regulation section are summarized as follows:

Existing Regulation Section 1859.162.3 sets forth documentary requirements when a charter school project will: 1) provide instruction for a combination of grade levels and therefore impact across more than one school district's boundaries, or 2) be located in an area



of overlapping district boundaries but house only the grade levels served by just one of the districts. The proposed amendments affect this second situation by deleting a list of district related requirements which are set forth elsewhere within the Article.

Existing Regulation Section 1859.171 sets forth options for a school district to use or dispose of a charter school facility within its boundaries, which facility has received State funding but has failed to meet project timeline requirements or the charter school has ceased to occupy the facility. The proposed amendments implement SB 592 by adding two more uses or disposition options: 1) for use by a qualifying successor charter school pursuant to Education Code (EC) Section 17078.62(b)(2), and 2) a final disposition option by the SAB pursuant to EC Section 17078.62(b)(5)(B), if the school district declines to dispose of the facility. The proposed amendments also add the requirement to complete the review process outlined in EC Section 17078.62(b)(1) if applicable — charter operating and renewal criteria.

Proposed adoption of Regulation Section 1859.172 sets forth the criteria for entities to hold and/or transfer title to charter school facilities as permissible under AB 14 and SB 592. These entities are: the school district in which the project is physically located, a local governmental entity pursuant to EC Section 17078.63(a)(2), or the charter school pursuant to EC Section 17078.63(a)(3) with certain verifying criteria. The charter school's written request must justify why title will not be vested in the school district or a local governmental entity. A charter school may request that a school district transfer title to project facilities to itself or to a local governmental entity pursuant to specific notification and written agreement criteria.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

#### ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following deter-

minations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts and charter schools except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts and charter schools for purposes of funding school facility projects.

#### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than August 9, 2010, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations  
Coordinator

Mailing Address: Office of Public School  
Construction  
707 Third Street, Room 1-430  
West Sacramento, CA 95605

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 376-5332

#### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375-5939. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

#### ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulation during the 15-day period.

#### SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

#### RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) under "Regulations," then click on "Proposed Regulations."

#### ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

#### **ARTICLE 6.1 STATE ORGANIC PROGRAM**

#### NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to amend, Title 3, Article 6.1 of the California Code of Regulations (CCR) sections 1391 and 1391.1. The Department also proposes to add the following sections to Title 3, Article 6.1 of the California Code of



Regulations: 1391.2; 1392.3; 1391.4; 1391.5; 1391.6; 1391.7; and 1391.8.

## PUBLIC HEARING

The Department will hold a public hearing starting at 10:00 a.m. on August 10, 2010 at the California Department of Food and Agriculture's Main Auditorium located at 1220 N Street, Sacramento, California. The Main Auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest/Policy Statement Overview. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

## WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit their written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted via facsimile (FAX) at (916) 445-2427 or by e-mail to [spatton@cdfa.ca.gov](mailto:spatton@cdfa.ca.gov). The written comment period closes at **5:00 p.m. on August 9, 2010**. The Department will consider only comments received at the Department by that time. Submit comments to:

Steve Patton, Compliance Chief  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 445-2180; Fax: (916) 445-2427

## AUTHORITY AND REFERENCE

Sections 407, 46000, 46001, 46002, and 46018.1 of the Food and Agricultural Code authorize the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 46000, 46001, 46002, 46016.1, and 46018.1 of the Food and Agricultural Code.

Section 407 of the Food and Agricultural Code authorizes the Secretary of the Department to adopt such regulations as are reasonably necessary to carry out the provisions of the Food and Agricultural Code which the Secretary is directed or authorized to administer or enforce.

Section 46000 of the Food and Agricultural Code, mandates, in part, the Secretary of the Department and county agricultural commissioners under the supervision and direction of the Secretary to enforce regula-

tions adopted by the National Organic Program (NOP) (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Section 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code and the California Organic Products Act of 2003 applicable to any person selling products as organic.

Section 46001 of the Food and Agricultural Code establishes, in part, that sections 46000 through 46029 (also referred to as the California Organic Products Act of 2003), shall be interpreted in conjunction with Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code and regulations adopted by the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Section 6501 et seq.)).

Section 46002(a) of the Food and Agricultural Code mandates, in part, that all organic food or product regulations and any amendments to those regulations adopted pursuant to the federal Organic Foods Production Act of 1990 (7 U.S.C. Section 6501 et seq.), that are adopted after that date, shall be the organic food and product regulations of this state.

Section 46002(b) of the Food and Agricultural Code authorizes the Secretary of the Department to prescribe conditions under which organic foods or other products not addressed by the National Organic Program may be sold in this state.

Section 46016.1 of the Food and Agricultural Code establishes, in part, the mandates for handling and filing complaints concerning suspected noncompliance with the California Organic Products Act of 2003. In addition, this section mandates that the organic complaint process in this state must also meet the complaint process outlined in regulations adopted by the National Organic Program.

Section 46018.1 of the Food and Agricultural Code authorizes the Secretary of the Department and agricultural commissioners to conduct a program of spot inspections to determine compliance with the California Organic Products Act of 2003.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposed regulation section 1391 expresses the intent of Article 6.1 State Organic Program. The specific purpose of this proposed regulation is to clarify the intent of Article 6.1. Accordingly, the intent of Article 6.1 is to facilitate the sale of organic products in the State of California while maintaining regulatory control by means of spot inspections, investigations, and sampling.

Proposed regulation section 1391.1 adopts the National Organic Program's regulations governing the

federal Organic Foods Production Act of 1990 by reference into the California Code of Regulations. The National Organic Program regulations may be found in the Code of Federal Regulations, Title 7, Part 205 et seq. The specific purpose of this regulation is to adopt the National Organic Program's regulations into the California Code of Regulations. The Department is statutorily mandated to enforce the National Organic Program's regulations. The California Organic Products Act of 2003 establishes that the regulations of the National Organic Program shall be the regulations of the state.

Proposed regulation section 1391.2 adopts the California Organic Products Act of 2003 by reference into the California Code of Regulations. The California Organic Products Act of 2003 consists of Sections 46000 through 46029 of the Food and Agricultural Code and Sections 110810 through 110959 of the Health and Safety Code. The specific purpose of this proposed regulation is to adopt the California Organic Products Act of 2003 into the California Code of Regulations. The Department is statutorily mandated to enforce the California Organic Products Act of 2003.

Proposed regulation section 1391.3 promulgates the statutory authority of the Department and county agricultural commissioners to conduct inspections, investigations, and sampling under the California Code of Regulations. The specific purpose of this proposed regulation is to establish the regulatory authority for the state, county agricultural commissioners, and/or the operation's accredited certifying agent to inspect all areas, products, and documentation related to agricultural products and ingredients that are produced, processed, stored, sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food groups)."

Proposed regulation section 1391.4 details the authority and criteria of the Department, county agricultural commissioners, and the operation's accredited certifying agent to collect samples for laboratory testing. The specific purpose of this proposed regulation is to establish the regulatory authority and criteria for sample collection.

Proposed regulation section 1391.5 establishes the Department's mandates for complaint investigations. The specific purpose of this section is to specify the mandates for the assignment of complaint investigations concerning suspected noncompliance with the California Organic Products Act of 2003, National Organic Program regulations, and/or the federal Organic Foods Production Act of 2003.

Proposed regulation section 1391.6 requires organic registrants to notify the Department of any change in the information reported on their registration form within 14 days or prior to the sale of additional product. In

addition, this section requires the registrant to pay an additional fee if the change requires a higher fee. The specific purpose of this regulation is to ensure that organic registrants do not sell organic product(s) prior to registering additional product with the state as mandated by Food and Agricultural Code Section 46013.2.

Proposed regulation section 1391.7 was previously Section 1391 in the California Code of Regulations. The specific purpose of amending this regulation is for continuity purposes.

Proposed regulation section 1391.8 was previously Section 1391.1 in the California Code of Regulations. The specific purpose of amending this regulation is for continuity purposes.

## DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

## EFFECT ON SMALL BUSINESS

The Department has initially determined that the proposed changes to the regulations would result in no added costs to small businesses affected by these proposed changes. The proposed changes allow the Department to facilitate the sale of organic products within the State of California while maintaining sufficient regulatory control, by means of spot inspections, investigations,

and sampling, to determine compliance with the provisions of the California Organic Products Act of 2003, federal Organic Foods Production Act of 1990, National Organic Program regulations, and the California Code of Regulations.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has been otherwise identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Steve Patton, Compliance Chief  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 445-2180; Fax: (916) 445-2427

The backup contact person for these inquiries is:

Brian Cote, Special Investigator  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 445-2180; Fax: (916) 445-2427

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Brian Cote at the above address.

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office at 560 J Street, Suite 220, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, meeting minutes

from various California Organic Products Advisory Committee meetings, Title 7, Part 205 of the Code of Federal Regulations, the California Organic Products Act of 2003 (Food and Agricultural Code sections 46000 through 46029 and Health and Safety Code sections 110810 through 110959), California Department of Food and Agriculture Press Release #10-007, and a summary of issues discussed at CDFA's organic listening sessions entitled "Response to Organic Listening Sessions." Copies may be obtained by contacting Brian Cote at the address or phone number listed above.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Brian Cote at the address provided above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Brian Cote at the address provided above.

### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department's website at: <http://www.cdfa.ca.gov/is/Regulations.html>.

## TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Toxic Air Contaminants  
DPR Regulation No. 10-003

### NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend section 6860 of Title 3, California Code



of Regulations (3 CCR). The proposed regulatory action designates the pesticide chemical chloropicrin as a toxic air contaminant (TAC) in subsection (a) pursuant to Food and Agricultural Code (FAC) section 14023.

### SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on August 10, 2010. Comments regarding this proposed action may also be transmitted via e-mail <dpr10003@cdpr.ca.gov> or by facsimile transmission at (916) 324-1452.

A public hearing has been scheduled for the time and place stated below to receive oral comments regarding the proposed regulatory changes.<sup>1</sup>

DATE: August 10, 2010

TIME: 9:30 a.m.

PLACE: California Environmental Protection  
Agency Headquarters Building  
Sierra Hearing Room  
1001 I Street  
Sacramento, California 95814

A DPR representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 9:00 a.m. to 9:30 a.m. Generally, registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

### EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does not affect small businesses. The regulatory action merely adds chloropicrin to the TAC List in section 6860(a) and does not restrict or further regulate use of the chemical by businesses. Pursuant to FAC section 14023(e), the need for, and appropriate degree of, control measures for a pesticide listed as a TAC pursuant to FAC section 14023(d) shall be determined by DPR in consultation with the Office of Environmental Health

Hazard Assessment (OEHHA), the Air Resources Board (ARB), and the air pollution control districts or air quality management districts in the affected counties. If a need for control measures is determined for chloropicrin, the proposed control measures will be promulgated in a separate regulatory action.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

FAC section 14021 defines a TAC as “an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.” As mandated by FAC section 14022, DPR, in consultation with OEHHA and ARB, evaluates the health effects of pesticides which may be, or are, emitted into the ambient air of California. FAC sections 14021–14022 describe this evaluation process. Upon completion of this evaluation, DPR prepares a report on the health effects of the pesticide in question. Pursuant to FAC section 14023, an independent Scientific Review Panel (SRP) reviews this report and submits its written findings to DPR. Within ten days following receipt of the SRP’s findings, FAC section 14023(d) requires DPR to “prepare a hearing notice and a proposed regulation which shall include the proposed determination as to whether a pesticide is a toxic air contaminant.”

DPR evaluated chloropicrin and the SRP has reviewed DPR’s draft report, *Evaluation of Chloropicrin as a Toxic Air Contaminant*, November 2009, and final report dated February 2010. The SRP found that chloropicrin should be classified as a TAC.

Based upon the results of the evaluation of chloropicrin and the criteria in 3 CCR section 6890 for identifying pesticides as a TAC, the Director has declared chloropicrin to be a TAC. The proposed regulatory action adds chloropicrin to section 6860(a).

### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

<sup>1</sup> If you have special accommodation or language needs, please notify DPR. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

#### COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

#### EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

#### EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

#### CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective

and less burdensome to affected private persons or businesses than the proposed regulatory action.

#### AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456 and 14023.

#### REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 14021 and 14023.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

#### AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator  
Office of Legislation and Policy  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
(916) 445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted above:

Randy Segawa, Environmental Program Manager  
Environmental Monitoring Branch  
(916) 324-4137

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the proposed text can be made available in an alternate form as a disability-related accommodation.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

#### **TITLE 4. BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION**

NOTICE IS HEREBY GIVEN that the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (Bureau) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Contractors State License Board, 9821 Business Park Drive, Hearing Room, Sacramento, California 95827, at 9:00 a.m. on August 11, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on August 9, 2010 or must be received by the Bureau at the hearing. The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral

testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 19034 of the Business and Professions Code, and to implement, interpret or make specific Section 19161.5 of said Code, the Bureau is considering changes to Division 3 of Title 4 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Amend Section 1374.2

Business and Professions Code (B&P) Section 19161.5 authorizes the Bureau to exempt items of upholstered furniture which are deemed not to pose a serious fire hazard from the fire retardant requirements of B&P Code Section 19161.

The Bureau proposes to amend Section 1374.2 to exempt strollers, infant carriers, and nursing pillows from the flammability requirements of Technical Bulletin (TB) 117.

The Bureau also proposes to eliminate reference to articles manufactured solely for recreational use or physical fitness purposes, since those items are not included in the definition of upholstered furniture and are thus not subject to TB 117.

#### FISCAL IMPACT ESTIMATES

##### Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Bureau Impact: The Bureau does not anticipate incurring a significant cost or savings given that the proposed exemption is exclusive to the flammability requirements of strollers, infant carriers, and nursing pillows. The Bureau must continue to laboratory test these three types of products to ensure that they continue to meet the licensing and labeling requirements. As stated above, field inspectors will continue to secure these products for laboratory analysis for proper labeling and listing of component materials. While no longer testing the exempt products for compliance with TB 117, the Bureau would redirect efforts and resources to focus on other products. If a fiscal cost or savings were to occur, the Bureau anticipates that the impact would be negligible and/or absorbable within existing budgeted resources.

Otherwise, there are no costs or savings to any other state agency, nor are there any costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies:  
None

Local Mandate: None



Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The Bureau's findings indicate that with the small amount of material used in these three (3) products, the use of non–TB 117 compliant material instead of TB 117 compliant material would neither pose a serious fire hazard nor increase the potential for a serious fire hazard if either material were used or not used. For this reason, the proposed exemption may result in a cost savings given that the industry may have the opportunity to use non–TB 117 compliant material and components which may be less costly than TB 117 compliant material and components. If quality control measures are used by the industry, the industry could also save the costs of having to send these three (3) products to an outside testing laboratory to test for TB 117 compliance.

Since articles manufactured solely for recreational use or physical fitness purposes do not fall under the definition of upholstered furniture, they are currently not subject to TB 117 at all. As such, this change will have no impact on businesses (whether new, small or otherwise), jobs, or private persons.

Impact on Jobs/New Businesses:

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

The Bureau does not anticipate a fluctuation in industry distribution of the exempt products which would necessitate the creation or elimination of any jobs or businesses.

Cost Impact on Representative Private Person or Business:

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Bureau anticipates that the proposed exemption may result in a cost savings given that the industry may have the opportunity to use a less expensive non–TB 117 compliant material and components instead of TB 117 compliant material and components without increasing the potential for a serious fire hazard to consumers. If quality control measures are used by the industry, the industry could also save the costs of having to send these three (3) products to an outside testing laboratory to test for TB 117 compliance.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not adversely affect small businesses.

The Bureau anticipates that the proposed exemption may result in a cost savings given that the industry may have the opportunity to use a less expensive non–TB 117 compliant material and components instead of TB 117 compliant material and components without increasing the potential for a serious fire hazard to consumers. If quality control measures are used by the industry, the industry could also save the costs of having to send these three (3) products to an outside testing laboratory to test for TB 117 compliance.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above–mentioned hearing.

INITIAL STATEMENT OF REASONS  
AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from:

Bureau of Electronic and Appliance Repair, Home  
Furnishings and Thermal Insulation  
Diana Godines, Associate Governmental Program  
Analyst  
3485 Orange Grove Avenue, Suite A  
North Highlands, CA 95660  
(916) 574–2442  
(916) 574–2120  
diana.godines@dca.ca.gov

AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Diana Godines, Associate  
Governmental Program Analyst

Address: 3485 Orange Grove Avenue,  
Suite A  
North Highlands, CA 95660

Telephone No.: (916) 574-2442

Fax No.: (916) 574-2120

E-mail Address: [diana.godines@dca.ca.gov](mailto:diana.godines@dca.ca.gov)

The backup contact person is:

Name: Said Nurbakhsh, Laboratory  
Engineer

Address: 3485 Orange Grove Avenue,  
Suite A  
North Highlands, CA 95660

Telephone No.: (916) 574-2041

Fax No.: (916) 574-2120

E-mail Address: [said.nurbakhsh@dca.ca.gov](mailto:said.nurbakhsh@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at [www.bearhfti.ca.gov](http://www.bearhfti.ca.gov).

**TITLE 18. BOARD OF  
EQUALIZATION**

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board) proposes to repeal California Code of Regulations, title 18, section (Rule) 471, *Timberland*, pursuant to the authority vested in it by Government Code section 15606, subdivision (c). The Board also proposes to amend Rule 1020, *Timber Value Areas*, pursuant to the authority vested in it by Revenue and Taxation Code section 38701.

PUBLIC HEARING

A public hearing on the proposed regulatory actions will be held in Room 121, 450 N Street, Sacramento, at 9:30 a.m., or as soon thereafter as the matter may be heard, on August 24, 2010. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the proposed repeal of Rule 471 and the proposed amendment of Rule 1020.

AUTHORITIES

Rule 471: Government Code section 15606.

Rule 1020: Revenue and Taxation Code section 38701.

REFERENCES

Rule 471: California Constitution, article XIII A, sections 1 and 2.

Rule 1020: Revenue and Taxation Code sections 38109 and 38204

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Rule 471

Proposition 13 was adopted by the voters at the June 1978 primary election and added article XIII A to the California Constitution to limit taxation, including the taxation of real property. The Board originally adopted Rule 471 as an emergency regulation in July 1978 because the adoption of Proposition 13 raised concerns about how timberland zoned under the provisions of Government Code section 51110 or 51113 should be assessed for property tax purposes. Rule 471 was subsequently amended in October 1978 and became a permanent regulation in 1979, and Rule 471 has not been amended since.

During the May 26, 2010, Board meeting, the Board determined that Rule 471 is not necessary. This is because there is no longer any controversy or confusion regarding the assessment of timberland zoned under the provisions of Government Code section 51110 or 51113; and Rule 471 is duplicative of statutory provisions, including Revenue and Taxation Code section 52, subdivision (b), and article 1.7 of chapter 3 of part 2 of division 1 (commencing with section 431) of the Revenue and Taxation Code, *Valuation of Timberland and Timber*. Therefore, the Board proposes to repeal Rule 471 for the specific purpose of deleting the unnecessary and duplicative language from the California Code of Regulations.

Rule 1020

The Board originally adopted Rule 1020 in 1976 in compliance with Revenue and Taxation Code section 38204, which requires the Board to “designate areas containing timber having similar growing, harvesting, and marketing conditions to be used as timber value areas for the preparation and application of immediate harvest values” after consultation with the Timber Advisory Committee (TAC). Rule 1020 designates 9 Timber Value Areas (TVAs) comprised of counties with similar growing, harvesting, and marketing conditions, and Rule 1020 has not been amended since 1977.

In the fall of 2008, the TAC requested that Board staff reevaluate the existing TVAs because the TAC was concerned that California’s timber marketing conditions had changed since 1977 and that these changes may warrant amendments to the TVAs. The TAC’s concerns were due to the fact that the number of California sawmills decreased from approximately 200 sawmills in 1977 (when the TVAs were originally established) to approximately 30 sawmills in 2008.

As a result, Board staff reviewed the state’s timber growing, harvesting, and marketing conditions and determined that the first two conditions were stable. However, staff found that a number of counties’ marketing conditions had changed dramatically in the past 33 years because:

- The reduction in the number of sawmills requires logs to be hauled further for processing than they were in 1977, which increases the cost of producing timber; and
- The sources of the state’s timber shifted from predominantly United States Forest Service land to privately owned timberland between 1977 and the present.

Therefore, Board staff recommended that Rule 1020 be amended so that:

1. TVA 1 includes counties with similar growing and harvesting conditions whose timber markets are centered around sawmills in Eureka, California, and Oregon.
2. TVA 2 includes counties with similar growing and harvesting conditions whose timber markets are centered around sawmills in Ukiah and Cloverdale, California.
3. TVA 3 includes counties with similar growing and harvesting conditions whose timber markets are centered around sawmills in the Davenport area of Santa Cruz County, California.
4. TVA 4 includes counties with similar growing and harvesting conditions whose timber markets are centered around sawmills in Redding and Anderson, California.

5. TVA 5 includes counties with similar growing and harvesting conditions whose timber markets are centered around sawmills in Redding, California, and Oregon.
6. TVA 6 includes counties with similar growing and harvesting conditions whose timber markets are centered around sawmills in Redding, California, and Oregon.<sup>1</sup>
7. TVA 7 includes counties with similar growing and harvesting conditions whose timber markets are centered around sawmills in Lincoln and Quincy, California.
8. TVA 8 includes counties with similar growing and harvesting conditions whose timber markets are centered around sawmills in Camino, California, and Sonora County, California.
9. TVA 9 includes counties with similar growing and harvesting conditions whose timber markets are centered around sawmills in Sonora and Kern counties.

And, Board staff recommended that the following counties (or portions thereof) be deleted from one TVA and moved to another TVA that best fits its current timber marketing conditions.

*Trinity County*

Board staff recommended deleting “Trinity County south and west of that part of the exterior boundary of the Shasta-Trinity National Forest between Humboldt and Tehama Counties” from TVA 1 and amending TVA 4 so that it includes all of Trinity County because all of Trinity County’s timber markets are now similarly centered around sawmills in Redding and Anderson, California.

*Alameda County, Contra Costa County, Monterey County, San Francisco City and County, San Mateo County, Santa Clara County, and Santa Cruz County*

Board staff recommended deleting Alameda County, Contra Costa County, Monterey County, San Francisco County, San Mateo County, Santa Clara County, and Santa Cruz County from TVA 2 and amending TVA 3 to include all seven counties, including the City and County of San Francisco, because whatever marketing there is of any timber remaining in these seven counties will be centered around sawmills in the Davenport area of Santa Cruz County, California.

*Napa County*

Board staff recommended deleting Napa County from TVA 5 and amending TVA 2 to include Napa County because Napa County’s timber markets are now

<sup>1</sup> One of the characteristics requiring two categories for counties whose timber markets are centered around sawmills in Redding, California, and Oregon is that TVA 5 is a Fir area and TVA 6 is a Pine area.



centered around sawmills in Ukiah and Cloverdale, California.

*Siskiyou County West of Interstate Highway No. 5*

Board staff recommended deleting “Siskiyou County west of Interstate Highway No. 5” from TVA 3 and amending TVA 4 to include Siskiyou County west of Interstate Highway No. 5 because this section of Siskiyou County’s timber markets are now centered around sawmills in Redding and Anderson, California.

*Colusa County, Glenn County, Lake County, Solano County, Tehama County West of Interstate Highway No. 5, and Yolo County*

Board staff recommended deleting Colusa County, Glenn County, Lake County, Solano County, “Tehama County west of Interstate Highway No. 5,” and Yolo County from TVA 5 and amending TVA 4 to include all 5 counties and the portion of Tehama County west of Interstate Highway No. 5 because their timber markets are centered around sawmills in Redding and Anderson, California.

*Shasta County between Interstate Highway No. 5 and State Highway No. 89 and Shasta County East of State Highway No. 89*

Board staff recommended deleting “Shasta County between Interstate Highway No. 5 and State Highway No. 89” from TVA 7 and deleting “Shasta County east of State Highway No. 89” from TVA 6 and amending TVA 5 to include all of “Shasta County east of Interstate Highway No. 5” because that portion of Shasta county is a Fir area and its timber markets are centered around sawmills in Redding, California, and Oregon.

*Siskiyou County East of Interstate Highway No. 5*

Board staff recommended deleting “Siskiyou County east of Interstate Highway No. 5” from TVA 6 and amending TVA 5 to include that portion of Siskiyou County because it is a Fir area and its timber market is centered around sawmills in Redding, California, and Oregon.

*Sacramento County*

Board staff recommended deleting Sacramento County from TVA 5 and amending TVA 8 to include Sacramento County because its timber markets are centered around sawmills in Camino, California, and Sonora County, California.

*Alpine County, San Joaquin County, and Stanislaus County*

Board staff recommended deleting Alpine County, San Joaquin County, and Stanislaus County from TVA 9 and amending TVA 8 to include all three counties because their timber markets are centered around sawmills in Camino, California, and Sonora County, California.

Board staff’s recommendations were provided to the counties and the interested parties in Letter to Assessors No. (LTA) 2009/31 (August 16, 2009)<sup>2</sup> and LTA 2010/08 (January 29, 2010)<sup>3</sup> and both the counties and the interested parties were invited to comment. Board staff’s recommendations were also presented to and supported by the TAC during it April 27, 2010, meeting. Thereafter, Board staff incorporated its recommendations into Formal Issue Paper 10–005<sup>4</sup> for the Board’s consideration and discussion during its meeting on May 26, 2010. And, during that meeting, the Board determined that all of staff’s proposed amendments to Rule 1020 are necessary to ensure that each TVA listed in Rule 1020 includes the appropriate counties with similar growing, harvesting and marketing conditions. Therefore, the Board proposes to amend Rule 1020 for the specific purpose of re-designating the counties assigned to each of the nine TVAs to reflect the changes in the counties’ marketing conditions since 1977.

*Authority and Reference Notes*

Furthermore, Board staff realized that the authority note for Rule 1020 cites Government Code section 15606, which generally authorizes the Board to adopt regulations concerning property taxes and the Board’s own business, rather than Revenue and Taxation Code section 38701, which specifically authorizes the Board to adopt Timber Yield Tax regulations, such as Rule 1020. Board staff also realized that the reference note for Rule 1020 generally cites all of chapter 1 (commencing with section 38101), *General Provisions and Definitions*, and chapter 3 (commencing with section 38202), *Determination of Rates*, of part 18.5, *Timber Yield Tax Law*, of division 2 of the Revenue and Taxation Code, as the statutes being implemented, interpreted, and made specific by Rule 1020. However, Board staff determined that Rule 1020 specifically implements, interprets, and makes specific the provisions of Revenue and Taxation Code section 38109, which defines the term “Immediate Harvest Value,” and section 38204, which requires the Board to designate TVAs for use in the preparation and application of immediate harvest values. Therefore, Board staff also recommended that the Board amend Rule 1020 so that the authority note correctly cites Revenue and Taxation Code section 38701, and the reference note more specifically cites Revenue and Taxation Code section 38109 and 38204.

During the May 26, 2010, meeting, the Board agreed that Revenue and Taxation Code section 38701 con-

<sup>2</sup> LTA 2009/31 is available at [www.boe.ca.gov/proptaxes/pdf/lta09031.pdf](http://www.boe.ca.gov/proptaxes/pdf/lta09031.pdf).

<sup>3</sup> LTA 2010/08 is available at [www.boe.ca.gov/proptaxes/pdf/lta10008.pdf](http://www.boe.ca.gov/proptaxes/pdf/lta10008.pdf).

<sup>4</sup> Formal Issue Paper 10–005 is available at [www.boe.ca.gov/proptaxes/pdf/10–005.pdf](http://www.boe.ca.gov/proptaxes/pdf/10–005.pdf).

tains the statutory authority for Rule 1020 and that Rule 1020 specifically implements, interprets, and makes specific Revenue and Taxation Code section 38109 and 38204. Therefore, the Board proposes to amend Rule 1020's authority and reference notes as recommended by staff because the amendments are necessary for the specific purpose of ensuring that the regulation's authority and reference notes cite the correct provisions of the Revenue and Taxation Code.

#### NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the proposed repeal of Rule 471 and proposed amendments to Rule 1020 do not impose a mandate on local agencies or school districts that are required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

#### NO COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Board has determined that the proposed repeal of Rule 471 and proposed amendments to Rule 1020 will result in no direct or indirect cost or savings to a State agency, any costs to local agencies or school districts that are required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

#### NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

Rule 471 is duplicative of statutes in the Revenue and Taxation Code and its proposed repeal will not have any effect on the assessment of timberland for property tax purposes. The proposed amendments to Rule 1020 merely re-designate the counties assigned to the TVAs to reflect changes to California's timber markets that occurred since the regulation was last amended in 1977, as required by Revenue and Taxation Code section 38204. Furthermore, the proposed amendments to Rule 1020 will not directly effect the Timber Yield Taxes imposed upon any specific timber owners because their taxes are dependent upon the "yield tax rate" the Board is required to adopt during December of each year pursuant to Revenue and Taxation Code sections 38202 and 38203 and the "immediate harvest values" the Board is required to adopt by June 30 and December 31 of each calendar year pursuant to Revenue and Taxation

Code section 38204. Therefore, pursuant to Government Code section 11346.5, subdivision (a)(8), the Board has made an initial determination that the adoption of the proposed repeal of Rule 471 and the adoption of the proposed amendments to Rule 1020 will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory actions may affect small business.

#### COST IMPACT ON PRIVATE PERSON OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed repeal of Rule 471 and proposed amendments to Rule 1020 will not create any new compliance burdens for private persons or businesses.

#### RESULTS OF THE ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (b)

The adoption of the proposed repeal of Rule 471 and proposed amendments to Rule 1020 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

#### NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of the proposed repeal of Rule 471 and proposed amendments to Rule 1020 will not have a significant effect on housing costs.

#### ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

#### CONTACT

Questions regarding the substance of the proposed regulatory actions should be directed to Mr. Bradley Heller, Tax Counsel III (Specialist), by telephone at (916) 324-2657, by email at [Bradley.Heller@boe.ca.gov](mailto:Bradley.Heller@boe.ca.gov), or by mail at State Board of Equalization, 450 N

Street, MIC:82, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at [Richard.Bennion@boe.ca.gov](mailto:Richard.Bennion@boe.ca.gov), or by mail at State Board of Equalization, Attn: Rick Bennion, 450 N Street, MIC:81, P.O. Box 942879, Sacramento, CA 94279-0080.

#### WRITTEN COMMENT PERIOD

The written comment period ends when the public hearing begins at 9:30 a.m., or as soon thereafter as the matter may be heard, on August 24, 2010. If the Board receives written comments prior to the close of the written comment period, the statements, arguments, and/or contentions contained in those comments will be presented to and considered by the Board before the Board decides whether to adopt the proposed repeal of Rule 471 and the proposed amendments to Rule 1020. The Board will only consider written comments received by that time.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an Initial Statement of Reasons and underscored and strikeout versions of the text of Rules 471 and 1020, which illustrate the proposed repeal of Rule 471 and the proposed amendments to Rule 1020. These documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the Initial Statement of Reasons are also available on the Board's Web site at [www.boe.ca.gov](http://www.boe.ca.gov).

#### SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt the proposed repeal of Rule 471 and the proposed amendments to Rule 1020 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made,

the Board will make the full text of the resulting amendments, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting amendments will be mailed to those interested parties who commented on the proposed repeal of Rule 471 or the proposed amendments to Rule 1020 orally or in writing or who asked to be informed of such changes. The text of the resulting amendments will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting amendments that are received prior to adoption.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts the proposed repeal of Rule 471 and the proposed amendments to Rule 1020, the Board will prepare a Final Statement of Reasons. The Final Statement of Reasons will be made available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov). It will also be available for public inspection at 450 N Street, Sacramento, California.

#### FEDERAL REGULATIONS

Rules 471 and 1020 have no comparable federal regulations.

#### TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

#### ORD #0310-04 NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

##### ITEM #01 ABX4460-Month Time Clock Exemption

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held as follows:

August 11, 2010  
Office Building #8  
744 P St., Room 323  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations.



The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 11, 2010.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

## CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

## CHAPTERS

Manual of Policies and Procedures (MPP) Division 42 (Non Linking Factors of Public Assistance Eligibility), Chapter 42-700 (Welfare-to-Work), Section 42-302 (Welfare-to-Work), Section 42-712 (Welfare-to-Work), Section 42-713 (Welfare-to-Work).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill (AB) X4 4 (Chapter 4, Statutes of the Fourth Extraordinary Session of 2009) amends the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work Program. The CalWORKs Welfare-to-Work Program is the employment and training component of CalWORKs, California's version of the federal Temporary Assistance for Needy Families (TANF) Program.

Federal welfare reform enacted the TANF program through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, limiting cash aid to a family with an adult to a total of five years. The intent of the Welfare-to-Work program is to provide employment and training services to the maximum possible number of the adult CalWORKs population to aid them in achieving economic self-sufficiency within this time frame.

The passage of the Budget Act of 2009 as well as AB X4 4 impacted the CalWORKs program significantly. The Budget Act included an approximate reduction of \$376 million to the CalWORKs single allocation in the 2009-10 budget year, and AB X4 4 enacted statutory changes which affect funding and exemptions in the CalWORKs program. This reduction, along with the overall increasing caseload for CalWORKs, will likely result in insufficient funding to provide the full range of Welfare-to-Work services to all current and new CalWORKs clients in the 2009-2010 and 2010-2011 fiscal years. In crafting AB X4 4, the intended goals of the Legislature were to allow for more effective utilization of limited resources for CalWORKs services, provide counties additional flexibility to address funding constraints, minimize disruption of Welfare-to-Work services for those clients already participating, and prioritize exemptions and good cause for new applicants.

In order to achieve these goals, the proposed regulations established two new, temporary CalWORKs exemptions and exemption requirements. The new exemptions apply to clients who are caring for young children and to clients who may be granted good cause from Welfare-to-Work participation due to a lack of supportive services. Clients who receive the exemption for young children will not be required to participate in Welfare-to-Work activities and will have their CalWORKs 60-month time clock stopped until they no longer meet these criteria, or until July 1, 2011, whichever comes first. Clients who receive the exemption because they were granted good cause from Welfare-to-Work participation due to a lack of supportive services will also have their CalWORKs 60-month time clock stopped until they no longer meet these criteria, or until July 1, 2011, whichever comes first.

Additionally, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

#### **COST ESTIMATE**

1. **Costs or Savings to State Agencies:** The State will incur increased costs of approximately \$849,989 in FY 2009–10 associated with these program changes. Funding for these costs were included in the FY 2010–11 Governor’s Budget.
2. **Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630:** None.
3. **Nondiscretionary Costs or Savings to Local Agencies:** The counties will incur increased costs of approximately \$352,496 in FY 2009–10 associated with these program changes.
4. **Federal Funding to State Agencies:** The federal funds associated with these program changes are approximately \$13,101,418 in FY 2009–10 and are assumed to be funded within the annual TANF block grant. These additional federal funds were reflected in the FY 2010–11 Governor’s Budget.

#### **LOCAL MANDATE STATEMENT**

These regulations do impose a mandate upon local agencies, but not on school districts. If the Commission on State Mandates determines that these regulations contain reimbursable costs mandated by the state, reimbursement to local agencies for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

#### **STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **SMALL BUSINESS IMPACT STATEMENT**

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### **ASSESSMENT OF JOB CREATION OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### **STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

#### **STATEMENT OF ALTERNATIVES CONSIDERED**

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 11320.3 and 11454.5, Welfare and Institutions Code, ABX4 4 (Chapter 4, Statutes of the Fourth Extraordinary Session of 2009).

#### **CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Sue Tognet (916) 657–2586  
Backup: Zaid Dominguez (916) 657–2586

#### **EMERGENCY STATEMENT**

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

**GENERAL PUBLIC INTEREST**

**BOARD OF PILOT COMMISSIONERS  
FOR THE BAYS OF SAN FRANCISCO,  
SAN PABLO, AND SUISUN**

**BUSINESS, TRANSPORTATION AND  
HOUSING AGENCY**

**NOTICE OF EXTENSION OF PUBLIC  
COMMENT PERIOD**

JUNE 9, 2010

Notice is hereby given that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) has extended the public comment period for the proposed regulations published in the May 14, 2010 California Regulatory Notice Register, Notice File No. Z2010-0504-04. The Notice of Proposed Rulemaking proposes amendments to Title 7, Harbors and Navigation, Article 3. Officers, Committees, Employees, new section 211.5, proposing Commission Investigator Minimum Standards and Article 6, Government of Pilots, Inland Pilots and Trainees, new subsection 219(z), relating to Portable Pilot Units.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to the Board. Written comments will be accepted by the Board until 5:00 p.m. on July 27, 2010. Submit comments to:

Terri Toohey  
Business, Transportation and Housing Agency  
980 Ninth Street, Suite 2450  
Sacramento, CA 95814  
Terri.toohey@bth.ca.gov

**DEPARTMENT OF FISH AND GAME**

**Department of Fish and Game —  
Public Interest Notice**

For Publication June 25, 2010  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Gas Lines 131 Pipeline Replacement Project  
Contra Costa County  
2080-2010-019-03

The Department of Fish and Game (Department) received a notice on June 8, 2010 that the Pacific Gas &

Electric Company (PG&E) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of replacement of approximately 1400 feet of its 24-inch diameter natural gas pipeline Line 131 in Contra Costa county near the city of Brentwood (Project).

Project activities will have adverse temporary effects on 0.74 acres of habitat suitable for the California tiger salamander (*Ambystoma californiense*) and the San Joaquin kit fox (*Vulpes macrotis mutica*). The project could also result in direct mortality, injury, or harassment of individual San Joaquin kit fox and juvenile and adult California tiger salamanders. The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal programmatic biological opinion (81420-2008-F-0947)(BO) and incidental take statement (ITS) to the Army Corps of Engineers (Corps) on May 6, 2010 which considered the effects of the project on the Federally threatened and State candidate California tiger salamander, and the Federally endangered and State threatened San Joaquin kit fox.

On March 3, 2010, the California Fish and Game Commission, the California constitutionally established entity with exclusive statutory authority to designate species as protected under CESA, determined that listing California tiger salamander as a threatened species under state law is warranted. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, §§ 2070, 2075.5(2).) Consistent with the Commission’s determination, California tiger salamander will be added to the list of species designated as threatened under CESA following the completion of related formal rulemaking by the Commission under the Administrative Procedure Act (Gov. Code, § 11340 et seq.). (See also Fish & G. Code, § 2075.5(2); Cal. Code Regs., tit. 14, 670.1, subd. (j), 670.5, subd. (b).) In the interim, California tiger salamander will remain a candidate species protected under CESA. (Fish & G. Code, § 2085; Cal. Reg. Notice Register 2009, No. 8-Z, p. 284.)

Pursuant to California Fish and Game Code Section 2080.1, PG&E is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, PG&E will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## DEPARTMENT OF FISH AND GAME

### Department of Fish and Game — Public Interest Notice

For Publication June 25, 2010  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Sunol Valley Water Treatment Plant Expansion  
Project (2080–2010–021–03)  
Alameda County

The Department of Fish and Game (Department) received a notice on June 7, 2010 that the San Francisco Public Utilities Commission proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action involves the expansion of the existing Sunol Valley Water Treatment Plant. The expansion will include construction of an additional flocculation and sedimentation basin, a new treated water reservoir, a new chlorine contact tank and associated water treatment facilities, construction of new effluent pipelines and a new 78-inch pipeline connecting the new treated water reservoir to the existing 78-inch plant discharge pipeline, which transports water from the plant to the existing Alameda Siphons (Project).

Project activities will result in the permanent loss of 5.5 acres and temporary loss of 16.3 acres of habitat suitable for the California tiger salamander (*Ambystoma californiense*) and Alameda whipsnake (*Masticophis lateralis euryxanthus*). The Project could also result in direct mortality, injury, or harassment of individual California tiger salamanders and Alameda whipsnakes on the entire 66.8 acre Project disturbance area. The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (81420–2009–F–1063–1)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on June 3, 2010 which considered the effects of the project on the Federally threatened and State candidate California tiger salamander, and the Federally and State threatened Alameda whipsnake.

On March 3, 2010, the California Fish and Game Commission, the California constitutionally established entity with exclusive statutory authority to designate species as protected under CESA, determined that listing California tiger salamander as a threatened species under state law is warranted. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, §§ 2070, 2075.5(2).) Consistent with the Commission’s determination, California tiger salamander will be added to the list of species designated as threatened under CESA following the completion of related formal rulemaking by the

Commission under the Administrative Procedure Act (Gov. Code, § 11340 et seq.). (See also Fish & G. Code, § 2075.5(2); Cal. Code Regs., tit. 14, 670.1, subd. (j), 670.5, subd. (b).) In the interim, California tiger salamander will remain a candidate species protected under CESA. (Fish & G. Code, § 2085; Cal. Reg. Notice Register 2009, No. 8–Z, p. 284.)

Pursuant to California Fish and Game Code Section 2080.1, the San Francisco Public Utilities Commission is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the San Francisco Public Utilities Commission will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## DEPARTMENT OF FISH AND GAME

### Department of Fish and Game — Public Interest Notice

For Publication June 25, 2010  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Three Highway 101 Widening and Improvement  
Projects  
Sonoma County  
2080–2010–020–03

The Department of Fish and Game (Department) received a notice on June 9, 2010 that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of three interrelated yet independent widening projects on Highway 101 (Project).

Project activities will have adverse effects on 42.88 acres of habitat suitable and potentially suitable for the California tiger salamander (*Ambystoma californiense*). The Project could also result in direct mortality, injury, or harassment of individual juvenile and adult California tiger salamanders. The project will also result in the filling of approximately 0.7 acres of habitat within the described distribution of Sebastopol meadowfoam (*Limnanthes vinculans*), Sonoma sunshine (*Blennosperma bakeri*), and Burke’s goldfields (*Las-thenia burkei*). The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1–1–05–F–0300)(BO) and incidental take statement (ITS) to the Federal Highway Administration on October 18, 2006 which considered the effects of the project on the Federally threatened and State candidate California tiger salamander, and the Federally and State endan-



gered Sebastopol meadowfoam, Sonoma sunshine, and Burke's goldfields. The BO was amended by the Service on April 15, 2008 (81420-2008-F-0733-2) and consultation was reinitiated by the Service on April 28, 2010 (81420-2008-F-0733-R001).

On March 3, 2010, the California Fish and Game Commission, the California constitutionally established entity with exclusive statutory authority to designate species as protected under CESA, determined that listing California tiger salamander as a threatened species under state law is warranted. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, §§ 2070, 2075.5(2).) Consistent with the Commission's determination, California tiger salamander will be added to the list of species designated as threatened under CESA following the completion of related formal rulemaking by the Commission under the Administrative Procedure Act (Gov. Code, § 11340 et seq.). (See also Fish & G. Code, § 2075.5(2); Cal. Code Regs., tit. 14, 670.1, subd. (j), 670.5, subd. (b).) In the interim, California tiger salamander will remain a candidate species protected under CESA. (Fish & G. Code, § 2085; Cal. Reg. Notice Register 2009, No. 8-Z, p. 284.)

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the amended BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## DEPARTMENT OF HEALTH CARE SERVICES

### NOTICE OF GENERAL PUBLIC INTEREST

#### PROPOSED RATE CHANGES TO MEDI-CAL REIMBURSEMENT FOR RADIOLOGY SERVICES

This notice is to provide information of public interest with respect to proposed changes to Medi-Cal fee-for-service reimbursement rates for radiology services. Radiology services means the diagnosis, treatment, and intervention using medical imaging techniques, including but not limited to, x-rays, computed tomography, ultrasound, magnetic resonance, single photon emission computed tomography, positron emission tomography, nuclear medicine, and radiopharmaceutical therapy.

Effective October 1, 2010, the Department of Health Care Services (DHCS) proposes that Medi-Cal rates for radiology services not exceed 80 percent of the lowest maximum allowance established by the federal Medicare program for the same or similar services. Medi-Cal rates which currently exceed 80 percent of the current Medicare rate would be reduced to that level.

When available, further information on the proposed changes may be viewed on the DHCS Medi-Cal web page at: <http://www.medi-cal.ca.gov/default.asp>.

### PUBLIC REVIEW AND COMMENTS

A detailed description of the proposed California legislation that will amend the Welfare and Institutions Code to make the changes described in this notice will be made available for public review at local county welfare offices throughout the State. A copy of the description may also be requested, in writing, from:

Ms. Linda Machado, Chief  
Provider Rate Section  
Medi-Cal Benefits, Waiver Analysis, and Rates  
Division  
Department of Health Care Services, MS 4612,  
P.O. Box 997413  
Sacramento, CA 95899-7413

Any written comments concerning the proposal may also be mailed to Ms. Machado at the above address.

## DEPARTMENT OF HEALTH CARE SERVICES

### NOTICE OF GENERAL PUBLIC INTEREST

#### THE DEPARTMENT OF HEALTH CARE SERVICES WILL IMPLEMENT A RATE FREEZE FOR RATES PAID TO HOSPITALS FOR INPATIENT SERVICES TO MEDI-CAL BENEFICIARIES

The state faces a fiscal crisis that requires measures to be taken to reduce General Fund expenditures including the measure described in this notice.

This notice is to provide information of public interest with respect to freezing Medi-Cal inpatient services rates paid to all hospitals except Designated Public Hospitals, at the rate that was in effect on January 1, 2010.

The rate freeze shall be in effect for reimbursements for inpatient hospital services provided to Medi-Cal beneficiaries between July 1, 2010, and June 30, 2011.

The rate freeze will apply to both contract and non-contract hospitals. If a contract hospital becomes a non-contract hospital, the hospital shall receive the same rates that it received on January 1, 2010.

Within 90 days of the effective date of this section, the Department of Health Care Services shall develop and provide to all hospitals the methodology that will be utilized to implement this section for non-contracting hospitals.

#### **PUBLIC REVIEW AND COMMENTS**

A copy of the detailed description may be requested, in writing, from Ms. Jalyne Callori, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436.

Written comments concerning the proposal may be mailed to Ms. Callori at the above address or emailed to [jalyne.callori@dhcs.ca.gov](mailto:jalyne.callori@dhcs.ca.gov). Comments must be received on or before June 29, 2010.

#### **DEPARTMENT OF HEALTH CARE SERVICES**

#### **NOTICE OF GENERAL PUBLIC INTEREST**

##### **PROPOSED RATE CHANGES FOR COMPREHENSIVE CLINICAL FAMILY PLANNING SERVICES**

This notice is to provide information of public interest with respect to proposed changes to Medi-Cal fee-for-service reimbursement increase related to comprehensive clinical family planning services.

SB 94 (Chapter 636, Statutes of 2007) required the Department of Health Care Services (DHCS) to increase the reimbursement for eight office visit codes billed for comprehensive clinical family planning services by the Family Planning Access Care and Treatment (Family PACT) program equivalent to the weighted average of at least 80 percent of the 2007 federal Medicare reimbursement rate for the same or similar service.

The proposed legislation would change the reimbursement rate back to pre-January 1, 2008 levels, effective the first calendar month following 90 days after the effective date of the Budget Act for Fiscal Year 2010-11.

When available, further information on the proposed changes may be viewed on the DHCS Medi-Cal web page at: <http://www.medi-cal.ca.gov/default.asp>.

#### **PUBLIC REVIEW AND COMMENTS**

A detailed description of the proposed California legislation that will amend the Welfare and Institutions Code to make the changes described in this notice will be made available for public review at local county welfare offices throughout the State. A copy of the description may also be requested, in writing, from:

Ms. Linda Machado, Chief  
Provider Rate Section  
Medi-Cal Benefits, Waiver Analysis, and Rates  
Division  
Department of Health Care Services, MS 4612,  
P.O. Box 997413  
Sacramento, CA 95899-7413

Any written comments concerning the proposal may also be mailed to Ms. Machado at the above address.

#### **OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

#### **CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

##### **AIR TOXICS HOT SPOTS PROGRAM — PROPOSED REVISED REFERENCE EXPOSURE LEVELS FOR TOLUENE DIISOCYANATE AND METHYLENE DIPHENYL DIISOCYANATE.**

#### **NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD**

**June 25, 2010**

*[Posted on OEHHHA web site on June 15, 2010]*

OEHHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). The Children's Environmental Health Protection Act (Senate Bill 25, Escutia, chapter 731, statutes of 1999, Health and Safety Code Sections 39669.5 et seq.) requires OEHHHA to explicitly include consideration of possible differential effects on the health of infants, children and other sensitive subpopulations. OEHHHA has developed a Technical Support Document (TSD) in response to these statutory requirements describing acute, 8-hour and chronic RELs, which was adopted in December 2008.

These guidelines have already been used to develop updated RELs for several chemicals. On April 23, 2010,



OEHHA published a notice in the California Regulatory Notice Register announcing the availability of draft updates to the RELs for two further chemicals: toluene diisocyanate (TDI) and methylene diphenyl diisocyanate (MDI). Publication of that notice initiated a 60-day public comment period that would have closed on June 22, 2010. OEHHA has received a request from an interested party seeking an extension of the comment period to allow more time for the preparation of comments on the proposed MDI and TDI RELs. **OEHHA hereby extends the public comment period for MDI and TDI to 5 p.m., Thursday, July 22, 2010.**

Please direct your comments on the documents, in writing or by e-mail, and any inquiries concerning technical matters or availability of the documents to:

Dr. Andrew G. Salmon  
Chief, Air Toxicology and Risk Assessment Unit  
Office of Environmental Health Hazard Assessment  
1515 Clay St., 16<sup>th</sup> Floor  
Oakland, CA 94612.  
E-mail: [asalmon@oehha.ca.gov](mailto:asalmon@oehha.ca.gov).  
Telephone: (510) 622-3191

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

#### NOTICE TO INTERESTED PARTIES June 25, 2010

#### Announcement of Carcinogen Identification Committee Meeting Scheduled for September 21 and 22, 2010, and Availability of Hazard Identification Materials for 1,3-Dichloro-2-propanol (1,3-DCP) and 3-Monochloropropane-1,2-diol (3-MCPD)

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of

the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup> (Proposition 65). The Carcinogen Identification Committee (CIC) advises and assists OEHHA in compiling the list of chemicals known to the State to cause cancer as required by Health and Safety Code section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

1,3-Dichloro-2-propanol (1,3-DCP) and 3-monochloropropane-1,2-diol (3-MCPD) will be considered for possible listing under Proposition 65 by the CIC at its next meeting scheduled for **Tuesday and Wednesday, September 21 and 22, 2010**. The two-day meeting will be held in the Sierra Hearing Room at the Cal/EPA Headquarters building, 1001 I Street, Sacramento, California. The meetings will begin each day at 10:00 a.m. and will last until 5:00 p.m. on Tuesday and until all business is conducted or until 5:00 p.m. on Wednesday. The agenda for the two-day meeting will be provided in a future public notice published in advance of the meeting.

OEHHA announces the availability for public review of the documents entitled: "Evidence on the Carcinogenicity of 1,3-Dichloro-2-propanol (1,3-DCP)" and "Evidence on the Carcinogenicity of 3-Monochloropropane-1,2-diol (3-MCPD)." The CIC will consider these documents in making any listing decisions on these chemicals. In preparing these hazard identification materials, OEHHA considered information received from its recent request for information relevant to the evidence of carcinogenicity of 1,3-DCP and 3-MCPD. The data call-in period opened on October 16, 2009, and closed on January 7, 2010.

Copies of the documents are available from OEHHA's web site at the following address: <http://www.oehha.ca.gov/prop65.html>. The documents may also be requested from OEHHA's Proposition 65 Implementation Office by calling (916) 445-6900.

This notice marks the beginning of a 60-day public comment period on these two documents. **OEHHA must receive comments and any supporting documentation by 5:00 p.m. on Tuesday, August 24, 2010.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

<sup>1</sup> Health and Safety Code section 25249.5 et seq.

Mailing Address: Ms. Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California  
95812-4010

Fax: (916) 323-8803

Street Address: 1001 I Street  
Sacramento, California 95814

OEHHA will organize and index the comments received and forward the information to the CIC members prior to the meeting at which the chemicals will be considered.

|   |
|---|
| <b>RULEMAKING PETITION<br/>DECISION</b> |
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**AIR RESOURCES BOARD**

June 9, 2010

Ms. Melodie K. Larsen  
Burke, Williams, & Sorensen, LLP  
444 South Flower Street, Suite 2400  
Los Angeles, California 90071-2953

Re: Petition for Rulemaking from Pro's Choice Beauty Care, Inc.

Dear Ms. Larsen:

Pursuant to Government Code section 11340.7, the Air Resources Board (ARB or Board) hereby responds to the petition of Pro's Choice Beauty Care, Inc. (Petition), dated May 5, 2010 and received by ARB on May 10, 2010. The Petition requests the Board to amend the Regulation for Reducing Emissions from Consumer Products (the "consumer products regulation," title 17, California Code of Regulations, sections 94507-94517), to require hair care product manufacturers to label each container of product subject to the regulation with the applicable product category, as specified in section 94509(a), and a statement that the product complies with the applicable volatile organic compounds (VOC) limit.

The Petition argues that this action should be taken because, among other things, it would reduce the possibility that non-complying products will be shipped to California, will assist retailers in selling only complying products in their California stores, and will allow consumers to make informed decisions about products they purchase.

On April 13, 2010, prior to the receipt of the Petition, ARB staff held a public workshop to begin discussion of various proposed amendments to the consumer products regulation to be considered in 2010. In their workshop presentation, staff indicated that it is evaluating labeling requirements for consumer products that could be similar to the requirements in the Petition. Therefore, ARB agrees that good cause exists for the Board to consider such amendments because a labeling requirement could enhance enforceability of the regulation, increase compliance with VOC limits, and provide more information about consumer products to consumers and retailers.

Also at the workshop, staff presented to the public a timeline with proposed amendments to the consumer products regulation scheduled to be considered by the Board at its November 18-19, 2010, hearing. Prior to the November Board hearing, ARB staff will work with all interested stakeholders to develop the proposed amendments, which are scheduled to be made available for a 45-day public comment period beginning on or about October 1, 2010.

In response to the Petition, ARB commits to continue the process of evaluating labeling concepts, but the Petition is denied as it is premature for ARB to decide now whether or not to propose new manufacturer labeling requirements in the consumer products regulation. The decision to include new requirements—and, if so, the specific form such requirements would take—will depend on the results of staff's evaluation of the effectiveness of new manufacturer labeling requirements and the consideration of public comments required during the regulatory development process. We welcome the participation of any interested party as staff works to evaluate specific concepts and develop proposed regulatory amendments.

All material related to the April 13, 2010, workshop and the proposed 2010 amendments can be found at the following website: <http://www.arb.ca.gov/consprod/regact/2010ra/2010ra.htm>. To receive emails when new information is posted, subscribe to the Consumer Product Program Email List at the following website: [http://www.arb.ca.gov/listserv/listserv\\_grp.php?listtype=C3](http://www.arb.ca.gov/listserv/listserv_grp.php?listtype=C3).

In accordance with Government Code section 11340.7(d), a copy of this letter is being transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. The agency contact person on this matter is Mr. David Mallory, Manager, Measures Development Section, at (916) 445-8316. Interested parties may obtain a copy of the Petition from Ms. Lori Andreoni, Manager, Office of Legal Affairs, 1001 I Street, P.O. Box 2815, Sacramento, California 95812, at (916) 322-5594.

Sincerely,

/s/

James N. Goldstene  
Executive Officer

cc: Mr. David Mallory, P.E., Manager  
Measures Development Section  
Stationary Source Division

Ms. Lori Andreoni, Manager  
Board Administration and Regulatory  
Coordination  
Office of Legal Affairs

## DISAPPROVAL DECISION

### DECISION OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of disapproval decisions are available at [www.oal.ca.gov](http://www.oal.ca.gov) under the "Publications" tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

### FISH AND GAME COMMISSION

State of California  
Office of Administrative Law

In re:  
Fish and Game Commission

Regulatory Action: Title 14  
California Code of Regulations

Adopt sections: 703  
Amend sections: 671, 671.1, 671.7

### DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL File No. 2010-0423-045

### SUMMARY OF REGULATORY ACTION

In this regulatory action, the Fish and Game Commission (Commission) proposed amendments and additions to its body of regulations pertaining to "restricted

species." The regulatory action included proposed amendments to an existing regulation entitled "Importation, Transportation and Possession of Live Restricted Animals" which identifies those species of animals which are considered to be "restricted species." The regulatory action also included substantial amendments to an existing regulation entitled "Permits for Restricted Species" which sets forth types of authorized restricted species permits and the process and requirements for obtaining those permits. Substantial amendments were further proposed for an existing regulation entitled "Permits for Aquaculture Purposes" to add detailed requirements applicable to the importation, possession, transportation, and sale of aquatic species listed as restricted species. Finally, this regulatory action included a new "fees and forms" regulation which sets forth 20 specific fees applicable to permits for restricted species and which incorporates by reference seven specific forms utilized as part of the permit application and amendment process.

### DECISION

On June 7, 2010, the Office of Administrative Law (OAL) notified the Commission of the disapproval of this regulatory action. The reasons for the disapproval were the following: (1) failure to comply with the "Clarity" standard of Government Code section 11349.1, (2) failure to comply with the "Necessity" standard of Government Code section 11349.1, (3) failure to comply with the "Authority" standard of Government Code section 11349.1, (4) failure to comply with the "Reference" standard of Government Code section 11349.1, (5) failure to adequately summarize and respond to all of the public comments made regarding the proposed action, (6) failure to meet all of the requirements for incorporation by reference, (7) documents in the rulemaking file which are defective and failure to include all required documents in the rulemaking file, and (8) failure to comply with all required Administrative Procedure Act procedures.

### CONCLUSION

For the reasons set forth above, OAL has disapproved this regulatory action. If you have any questions, please contact me at (916) 323-6225.

Date: June 14, 2010 /s/  
Bradley J. Norris  
Senior Staff Counsel

FOR: SUSAN LAPSLEY  
Director

Original: John Carlson  
Copy: Jon Snellstrom

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0427-06  
CALIFORNIA HORSE RACING BOARD  
Safety Vest Required

This regulatory action amends existing safety vest requirements by adding harness drivers and assistant starters to the list of persons required to wear such vests. It also updates vest construction standards by specifying three alternative upper body shock absorbing standards a vest must meet for use in California.

Title 4  
California Code of Regulations  
AMEND: 1689.1  
Filed 06/09/2010  
Effective 07/09/2010  
Agency Contact:  
Colleen Germek (916) 274-6049

File# 2010-0526-05  
CALIFORNIA STATE LIBRARY  
Conflict-of-Interest Code

The California State Library is amending its conflict of interest code found at title 2, div. 8, ch. 64, sec. 55300, California Code of Regulations. The amendment was approved for filing by the Fair Political Practices Commission on May 3, 2010.

Title 2  
California Code of Regulations  
AMEND: Div. 8, Ch. 64, Sec. 55300  
Filed 06/09/2010  
Effective 07/09/2010  
Agency Contact: Victor Pong (916) 445-9595

File# 2010-0427-04  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
Training Specifications

This regulatory action revises an incorporated by reference publication, Training Specifications for Public

Safety Dispatcher Course, and amends the affected CCR sections by updating the name of the course and the version date of the publication.

Title 11  
California Code of Regulations  
AMEND: 1005, 1018  
Filed 06/09/2010  
Effective 07/01/2010  
Agency Contact: Don Shingara (916) 227-3935

File# 2010-0427-05  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Training and Testing Specifications

This rulemaking updates the Commission's Training and Testing Specifications for Peace Officer Basic Courses.

Title 11  
California Code of Regulations  
AMEND: 1005, 1007, 1008  
Filed 06/09/2010  
Effective 07/01/2010  
Agency Contact: Cheryl Smith (916) 227-0544

File# 2010-0428-04  
DEPARTMENT OF FOOD AND AGRICULTURE  
Frozen Dairy Products

This rulemaking updates the standards for the manufacturing and marketing of frozen dairy products by specifying the conditions under which condensed or dry mixes may be reconstituted at facilities having a semi-frozen products plant license or a limited manufacturing permit.

Title 3  
California Code of Regulations  
ADOPT: 429, 430 AMEND: 441  
Filed 06/10/2010  
Effective 07/10/2010  
Agency Contact: Nancy Grillo (916) 651-7280

File# 2010-0427-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Light Brown Apple Moth Interior Quarantine

This certificate of compliance makes permanent three prior emergency regulatory actions (OAL file nos. 2009-1105-01E, 2009-1223-03E, and 2010-0121-03E) that established or expanded quarantine areas in the counties of Alameda, Contra Costa, Los Angeles, Marin, Monterey, Napa, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, and Yolo. It also established the counties of San Francisco, San Mateo and Santa Cruz as the regulated area and eliminated the restrictions on moving host material within this area and into this area from the



contiguous quarantine areas. This is all due to recent findings of the light brown apple moth “LBAM” (“*Epi-  
phyas postvittana*”). The effect of these amendments to  
the regulations is to establish the authority for the State  
to perform quarantine activities against the LBAM in  
these quarantine areas.

Title 3  
California Code of Regulations  
AMEND: 3434(b), (c), (d), and (e)  
Filed 06/09/2010  
Effective 06/09/2010  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2010-0428-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Registration and Certification of Grapevines

The Department of Food and Agriculture submitted  
this rulemaking action as a comprehensive restructur-  
ing of its grapevine registration and certification pro-  
gram by amending sections 3024, 3024.1, 3024.2,  
3024.3, 3024.4, and 4603 and adopting sections 3024.5,  
3024.6, 3024.7, and 3024.8 in title 3 of the California  
Code of Regulations. The grapevine registration and  
certification program is a voluntary program under  
which grapevine nursery stock may be produced and  
registered or certified as being true-to-variety and  
tested for freedom from pests and diseases. The updated  
grapevine registration and certification program will  
provide greater clarity and specificity of the responsi-  
bilities of the department, participants, and the University  
of California testing laboratories involved in the pro-  
gram, recordkeeping and reporting requirements, ap-  
plication and fees for participation and related services,  
and consequences for noncompliance.

Title 3  
California Code of Regulations  
ADOPT: 3024.5, 3024.6, 3024.7, and 3024.8  
AMEND: 3024, 3024.1, 3024.2, 3024.3, 3024.4,  
and 4603  
Filed 06/10/2010  
Effective 07/01/2010  
Agency Contact:  
Susan McCarthy (916) 654-1017

File# 2010-0429-03  
DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT  
Uniform Multifamily Regulations

The Department of Housing and Community Devel-  
opment (Department) amends Title 25 section 8315 of  
the California Code of Regulations regarding the uni-  
form rules for multifamily rental housing assistance.

The Department operates three programs that provide  
financing for lower-income multi-family rental hous-  
ing developments: Multifamily Housing Program, Joe  
Serna Junior Farmworker Housing Program and  
HOME Investment Partnerships Program. The amend-  
ment of section 8315 establishes when the Department  
will subordinate its deeds of trust and other restrictions  
to other financing.

Title 25  
California Code of Regulations  
AMEND: 8315  
Filed 06/11/2010  
Effective 07/11/2010  
Agency Contact: Lenora Frazier (916) 323-4475

File# 2010-0430-02  
DEPARTMENT OF MOTOR VEHICLES  
Occupational Licensing — Administrative Adjudica-  
tion

The Office of Administrative Law approves this  
change without regulatory effect updating the change of  
address at the California Department of Motor Vehicles  
for specified restitution remittances.

Title 13  
California Code of Regulations  
AMEND: 440.04  
Filed 06/14/2010  
Agency Contact: Randi Calkins (916) 657-8898

File# 2010-0430-01  
DEPARTMENT OF MOTOR VEHICLES  
Traffic Violator Schools

The Department of Motor Vehicles submitted this  
rulemaking action to update and make clarifying revi-  
sions to several title 13 regulations that govern traffic  
violation schools under the California Code of Regula-  
tions to reduce or make more flexible many of the exist-  
ing title 13 requirements and administrative costs that  
apply to traffic violator school licensees.

Title 13  
California Code of Regulations  
AMEND: 345.24, 345.40, 345.41, 345.46, 345.50  
REPEAL: 345.42  
Filed 06/14/2010  
Effective 07/14/2010  
Agency Contact: Maria Grijalva (916) 657-9001

File# 2010-0602-01  
DEPARTMENT OF SOCIAL SERVICES  
ABX4 4 60—Month Time Clock Exemption

This emergency regulatory action establishes two  
new temporary CalWORKs exemptions and exemption  
requirements. The new exemptions apply to clients  
who are caring for young children and to clients who



may be exempt for good cause from Welfare-to-Work participation due to a lack of supportive services. Clients who receive the exemption for young children will not be required to participate in Welfare-to-Work activities and will have their CalWORKs 60-month time clock stopped until they no longer meet certain criteria, or until July 1, 2011, whichever comes first. Clients who receive the exemption because they were granted good cause exemption from Welfare-to-Work participation due to a lack of supportive services will also have their CalWORKs 60-month time clock stopped until they no longer meet certain criteria, or until July 1, 2011, whichever come first. These regulations are deemed to have met the emergency standard and are exempt from review by OAL pursuant to ABX4 (Stats. 2009, c. 4, sec. 43).

Title MPP  
California Code of Regulations  
AMEND: 42-302, 42-712, 42-713  
Filed 06/10/2010  
Effective 07/01/2010  
Agency Contact: Sue Tognet (916) 657-2586

File# 2010-0428-05  
EDUCATION AUDIT APPEALS PANEL  
Supplement to Audits of K-12 LEAs — FY 2009-10

This is the certification of compliance for formal adoption of the FY 2009-2010 Audit Guide Supplement.

Title 5  
California Code of Regulations  
AMEND: 19824, 19851, 19854  
Filed 06/09/2010  
Effective 06/09/2010  
Agency Contact: Carolyn Pirillo (916) 445-7745

File# 2010-0427-07  
MANAGED RISK MEDICAL INSURANCE BOARD  
HFP Increase Share of Cost & Limiting Choice of Dental

The Healthy Families Program (HFP) is California's state- and federally-funded Children's Health Insurance Program (CHIP) established pursuant to title XXI of the federal Social Security Act. The Board administers HFP. HFP provides comprehensive health, dental and vision insurance to low-income children under the age of 19 with family income above the Medi-Cal income eligibility levels. Approximately, two-thirds of the funding for HFP is provided by the federal CHIP. This is the certificate of compliance that makes permanent the prior emergency regulatory action (OAL file no. 2009-1020-04EFP) that reduced HFP costs by lim-

iting some applicants' choices to lower-cost dental plans and increasing the amount of benefit copayments to be made to health, vision and dental plans by subscribers.

Title 10  
California Code of Regulations  
AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725  
Filed 06/09/2010  
Effective 06/09/2010  
Agency Contact: Dianne Knox (916) 324-0592

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN January 13, 2010 TO  
June 16, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

06/09/10 AMEND: Div. 8, Ch. 64, Sec. 55300  
05/25/10 AMEND: div. 8, ch. 65, sec. 55400  
05/11/10 AMEND: 18945  
05/06/10 AMEND: 1859.2  
05/03/10 AMEND: 60040, 60045  
04/21/10 AMEND: 1859.96, 1859.148.2, 1859.166.2  
04/08/10 AMEND: 1859.76  
03/23/10 AMEND: 18351  
03/19/10 ADOPT: 59670  
03/19/10 AMEND: 18942 REPEAL: 18630  
03/11/10 AMEND: 18932.4  
02/24/10 AMEND: 1859.2, 1859.41, Form SAB 50-01, Form SAB 50-02  
02/23/10 AMEND: div. 8, ch. 16, sec. 37000  
02/19/10 AMEND: 52400  
02/11/10 ADOPT: 18421.9 AMEND: 18431  
02/11/10 AMEND: 18950.3  
02/09/10 ADOPT: 59660  
01/26/10 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585  
01/25/10 AMEND: 58100  
01/19/10 AMEND: div. 8, ch. 102, sec. 59100  
01/14/10 AMEND: Section 27000  
01/13/10 ADOPT: div. 8, ch. 119, sec. 59640

**Title 3**

06/10/10 ADOPT: 429, 430 AMEND: 441

|                |   |  |
|----------------|---|--|
| 06/10/10       | ADOPT: 3024.5, 3024.6, 3024.7, and 3024.8 AMEND: 3024, 3024.1, 3024.2, 3024.3, 3024.4, and 4603   | 12345, and 12348 renumbered as 12346 REPEAL: 12347   |
| 06/09/10       | AMEND: 3434(b), (c), (d), and (e)   | 04/06/10 ADOPT: 12372, 12395, 12396 AMEND: 12370   |
| 06/07/10       | AMEND: 4500   | 03/29/10 AMEND: 1685   |
| 06/02/10       | AMEND: 3435   | 03/29/10 AMEND: 1632   |
| 06/01/10       | AMEND: 3437(b)  | 03/25/10 AMEND: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10185, 10187, 10188, 10190   |
| 05/24/10       | AMEND: 3434(b)  | 03/15/10 ADOPT: 12482  |
| 05/17/10       | AMEND: 3591.5(a)  | 02/01/10 AMEND: 1867   |
| 05/17/10       | ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407(e), 3407(f) REPEAL: 3000, 3001, 3002, 3003, 3004  | 01/29/10 AMEND: 1866   |
| 05/13/10       | AMEND: 3437   | 01/27/10 AMEND: 10020  |
| 05/04/10       | AMEND: 3423(b)  | 01/27/10 AMEND: 1890   |
| 05/04/10       | AMEND: 3437(b)  | 01/27/10 AMEND: 1859   |
| 05/04/10       | AMEND: 3434(b)  | 01/27/10 AMEND: 1843.6 and 1858  |
| 05/03/10       | AMEND: 3434(b), 3434(c) and 3434(d)   | <b>Title 5</b>   |
| 04/22/10       | AMEND: 3434(b)  | 06/09/10 AMEND: 19824, 19851, 19854  |
| 04/22/10       | AMEND: 3406(b), 3406(c)   | 05/27/10 ADOPT: 80048.8, 80048.8.1, 80048.9, 80048.9.1, 80048.9.2, 80048.9.3 AMEND: 800.46.5, 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.3, 80048.4, 80048.6 REPEAL: 80048.2  |
| 04/20/10       | AMEND: 3437(b)  | 05/20/10 ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736  |
| 04/15/10       | AMEND: 3434(b)  | 04/15/10 AMEND: 19816, 19816.1   |
| 04/05/10       | AMEND: 3434(b)  | 04/12/10 REPEAL: 40503   |
| 03/24/10       | ADOPT: 3436   | 04/12/10 AMEND: 42002  |
| 03/24/10       | AMEND: 3588   | 02/26/10 AMEND: 19824, 19851, 19854  |
| 03/17/10       | AMEND: 3423(b)  | 02/01/10 ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, |
| 03/15/10       | AMEND: 3434(b)  |  |
| 03/10/10       | AMEND: 3591.20(a)   |  |
| 03/10/10       | AMEND: 3434(b)  |  |
| 03/04/10       | AMEND: 3700(c)  |  |
| 03/04/10       | AMEND: 3406(b)  |  |
| 03/03/10       | REPEAL: 3279, 3433  |  |
| 03/03/10       | AMEND: 3591.20  |  |
| 03/03/10       | AMEND: 3406(b)  |  |
| 03/03/10       | AMEND: 3423(b)  |  |
| 03/03/10       | ADOPT: 3437   |  |
| 02/26/10       | AMEND: 3435   |  |
| 02/18/10       | AMEND: 3591.23  |  |
| 02/18/10       | ADOPT: 3591.24  |  |
| 01/25/10       | AMEND: 3434(b)  |  |
| 01/25/10       | AMEND: 3406(b)  |  |
| 01/25/10       | ADOPT: 1430.54, 1430.55, 1430.56, 1430.57   |  |
| 01/19/10       | ADOPT: 3436   |  |
| <b>Title 4</b> |   |  |
| 06/09/10       | AMEND: 1689.1   |  |
| 06/01/10       | AMEND: 10020  |  |
| 05/17/10       | ADOPT: 12590 REPEAL: 12590  |  |
| 04/29/10       | AMEND: 8034, 8035, 8042, 8043   |  |
| 04/13/10       | ADOPT: 12350, 12351, 12352, 12353, 12354, 12355 AMEND: 12008, 12335, 12340, 12342, 12343 renumbered as and merged with amended 12342, 12344 renumbered as and merged with amended |  |

|                |  |          |   |   |
|----------------|--|----------|---|---|
|                | 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010 |          | 03/24/10<br>03/10/10<br><br>02/03/10<br>02/02/10<br><b>Title 9</b><br>05/07/10<br>04/28/10<br>04/20/10<br><br><b>Title 10</b><br>06/09/10<br><br>06/01/10<br>05/26/10<br>05/19/10<br><br>05/04/10<br>04/28/10<br>04/28/10<br>04/28/10<br>04/21/10<br>04/21/10<br>04/13/10<br><br>04/12/10<br>04/06/10<br><br>04/01/10 | AMEND: 4301<br>AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B<br>AMEND: 5155<br>AMEND: 1549(h)<br><br>REPEAL: 3520<br>ADOPT: 4350<br>ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533<br><br>AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725<br>AMEND: 2498.6<br>AMEND: 2699.6809<br>ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507<br>AMEND: 2699.6625<br>AMEND: 2318.6<br>AMEND: 2318.6, 2353.1, 2354<br>AMEND: 2353.1<br>AMEND: 2699.202<br>AMEND: 2699.202<br>ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10<br>AMEND: 2690<br>ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10<br>ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122 |
| 01/21/10       | ADOPT: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709<br>REPEAL: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709  |          |   |   |
| 01/21/10       | ADOPT: 80034.1, 80034.2, 80034.3<br>AMEND: 80035, 80035.1, 80035.5   |          |   |   |
| <b>Title 8</b> |  |          |   |   |
| 06/02/10       | AMEND: 1590  | 03/29/10 | AMEND: 2202, 2203   |   |
| 05/25/10       | AMEND: 1599  | 03/18/10 | ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507   |   |
| 05/05/10       | AMEND: 3308  |          |   |   |
| 04/06/10       | AMEND: 2305.2, 2340.16, 2360.3, 2405.4, 2534.8   | 02/23/10 | ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1   |   |

|                 |  |                 |  |
|-----------------|--|-----------------|--|
|                 | 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911   | 04/20/10        | AMEND: 895.1, 914.6, 934.6, 954.6, 1024, 1025, 1026, 1030, 1052, 1052.1, 1052.4, 1092, 1092.01, 1092.09, 1092.29   |
| 02/23/10        | ADOPT: 2187, 2187.1, 2187.3, 2187.6, 2188.2.5, 2188.5.5, 2188.50(a), 2188.50(b), 2188.50(c), 2188.50(e), 2188.50(h) AMEND: 2186, 2186.1, 2187 (renumbered to 2187.3), 2187.1 (renumbered to 2187.2), 2187.2 (renumbered to 2187.7), 2187.3 (renumbered to 2187.4), 2187.4 (renumbered to 2187.5), 2188, 2188.1, 2188.2, 2188.3, 2188.4, 2188.5, 2188.23 (renumbered to 2188.50(d)), 2188.24 (renumbered to 2188.50(f)), 2188.83 (renumbered to 2188.50(g)) | 03/29/10        | ADOPT: 18452.1 AMEND: 18449, 18450, 18451, 18453, 18453.2, 18454, 18455, 18456, 18456.1, 18456.2, 18456.3, 18456.4, 18457, 18459, 18459.1, 18459.1.2, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18461, 18462, 18463, 18464, 18466, 18831 REPEAL: 18456.2.1, 18460.2.1 |
| 02/03/10        | AMEND: 2695.85   | 03/10/10        | AMEND: 670.5   |
| 01/21/10        | ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741  | 02/23/10        | AMEND: 1052(a)   |
| <b>Title 11</b> |  | 02/18/10        | AMEND: 155   |
| 06/09/10        | AMEND: 1005, 1018  | 02/16/10        | ADOPT: 15064.4, 15183.5, 15364.5 AMEND: 15064, 15064.7, 15065, 15086, 15093, 15125, 15126.2, 15126.4, 15130, 15150, 15183, Appendix F, Appendix G  |
| 06/09/10        | AMEND: 1005, 1007, 1008  | 02/09/10        | ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74, 2.00, 2.09, 2.30, 3.00, 5.00, 5.15, 5.30, 5.37, 5.40, 5.51, 5.60, 5.79, 5.80, 5.81, 5.82, 5.87, 5.88, 7.00, 7.50, 8.00, 27.80, 27.92, 29.90, 700, 701   |
| 05/19/10        | AMEND: 20  | 02/03/10        | AMEND: 11960   |
| 04/21/10        | AMEND: 1084  | 02/01/10        | AMEND: 1257  |
| 03/30/10        | AMEND: 1084  | 01/29/10        | AMEND: 791.7, 792  |
| <b>Title 13</b> |  | 01/28/10        | AMEND: 2090, 2425, 2525, 2530  |
| 06/14/10        | AMEND: 440.04  | 01/14/10        | ADOPT: 749.5   |
| 06/14/10        | AMEND: 345.24, 345.40, 345.41, 345.46, 345.50 REPEAL: 345.42   | 01/13/10        | REPEAL: 1.18   |
| 06/07/10        | AMEND: 152.00, 190.03  | <b>Title 15</b> |  |
| 05/18/10        | ADOPT: 1971.5 AMEND: 1968.2, 1971.1  | 05/25/10        | AMEND: 3170.1(g), 3173.2(d)  |
| 04/27/10        | AMEND: 1160.3, 1160.4  | 05/25/10        | AMEND: 3090, 3091, 3093, 3095  |
| 04/13/10        | AMEND: 1201, 1212, 1213  | 04/26/10        | ADOPT: 3720, 3721, 3721.1, 3722, 3723  |
| 04/05/10        | ADOPT: 2408.1 AMEND: 2401, 2403, 2404, 2405, 2406, 2408, 2409  | 02/24/10        | AMEND: 7001  |
| 04/01/10        | AMEND: 1961, 1961.1  | 02/16/10        | ADOPT: 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3560, 3561, 3562, 3563, 3564, 3565  |
| 04/01/10        | AMEND: 1961, 1961.1  | 02/02/10        | ADOPT: 3054.3 AMEND: 3054, 3054.1, 3054.2, 3054.3 (renumbered to 3054.4), 3054.4 (renumbered to 3054.5), 3054.5 (renumbered to 3054.6), 3054.6 (renumbered to 3054.7)  |
| 03/25/10        | AMEND: 2480  | 01/25/10        | ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2   |
| 03/04/10        | ADOPT: 205.00, 205.02, 205.04, 205.06, 205.08, 205.10, 205.12, 205.14  | 01/25/10        | ADOPT: 3075.2(b)(4) through (b)(4)(C), 3075.3(c), 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504   |
| 03/03/10        | AMEND: 423.00  |                 |  |
| 02/22/10        | AMEND: 350.36, 350.38, 350.40, 350.44, 350.46  | <b>Title 16</b> |  |
| 01/14/10        | ADOPT: 2032 AMEND: 1961, 1962, 1962.1, 1976, 1978  | 06/07/10        | ADOPT: 1702  |
| <b>Title 14</b> |  | 06/03/10        | AMEND: 4180  |
| 05/26/10        | AMEND: 7.50  |                 |  |
| 05/03/10        | AMEND: 820.01  |                 |  |
| 04/30/10        | AMEND: 27.80   |                 |  |
| 04/27/10        | AMEND: 632   |                 |  |



05/27/10 AMEND: 314  
 05/20/10 AMEND: 1996.3, 1997  
 05/19/10 AMEND: 3340.1  
 05/13/10 ADOPT: 1399.615, 1399.616, 1399.617,  
 1399.618, 1399.619 AMEND: 1399.571  
 05/04/10 ADOPT: 4175  
 04/27/10 AMEND: 1399.152, 1399.153.3,  
 1399.160.3, 1399.160.4  
 04/12/10 ADOPT: 3340.36.1  
 03/29/10 ADOPT: 1355.4  
 03/16/10 ADOPT: 311.1  
 03/09/10 AMEND: 1016, 1017 REPEAL: 1016.1,  
 1017.1  
 03/08/10 AMEND: 4100  
 02/24/10 AMEND: 4120  
 02/22/10 ADOPT: 2262.1 AMEND: 2262  
 02/18/10 ADOPT: 50.1  
 02/16/10 ADOPT: 318.1

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04/15/10 AMEND: 95480.1, 95481, 95486  
 04/07/10 AMEND: 1031.2, 1031.3  
 02/08/10 AMEND: 95362, 95365, 95366, 95367,  
 95368

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05/18/10 ADOPT: 1004, 1032, 1124.1, 1249,  
 1336, 1422.1, 2251, 2303.1, 2433, 2571,  
 3022, 3302.1, 3502.1, 4106, 4903  
 05/13/10 AMEND: 1584  
 05/13/10 AMEND: 1602.5, 1700  
 05/11/10 REPEAL: 1525.7  
 04/14/10 AMEND: 192, 193, 371  
 03/30/10 ADOPT: 3500 AMEND: 2300, 2401,  
 3502, 4041, 4500, 4508, 4701, 4702,  
 4703, 4901  
 03/19/10 ADOPT: 25101.3 AMEND: 25137-7  
 03/17/10 AMEND: 1699  
 03/16/10 AMEND: 312(a)  
 03/16/10 AMEND: 1597  
 01/25/10 AMEND: 2504, 2505, 2506, 2507, 2508,  
 2509, 2512, 2513, 2514, 2525, 2530,  
 2535, 2536, 2537, 2538, 2540, 2541,  
 2542, 2543, 2544, 2557, 2560, 2561  
 01/20/10 AMEND: 5237, 5266

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05/12/10 AMEND: Title 19: 2402, 2407, 2411,  
 2413, 2415, 2425, 2443, 2444, 2450,  
 2501, 2510, 2520, 2530, 2540, 2570.2,  
 2571, 2573.1, 2573.2, 2573.3, 2575.1,  
 2575.2, 2576, 2576.1, 2577.2, 2577.3,  
 2577.5, 2577.6, 2577.7, 2577.8, 2578.1,  
 2578.2, 2578.3, 2703, 2705, 2724,  
 2729.2, 2731, 2735.1, 2735.3, 2735.4,  
 2735.5, 2745.1, 2745.10, 2750.2, 2750.3,  
 2765.2, 2775.6, 2780.1, 2780.2, 2780.3,

2780.4, 2780.6, 2780.7, 2800, 2810,  
 2815, 2820, 2825, 2830, 2835, 2850,  
 2855, 2900, 2910, 2915, 2925, 2930,  
 2940, 2945, 2955, 2965, 2966, 2970,  
 2980, 2990, Title 26: 19-2510, 19-2520,  
 19-2530, 19-2540, 19-2703, 19-2705,  
 19-2724, 19-2731

**Title 21**

06/02/10 AMEND: 1411.1, 1411.7  
 01/21/10 ADOPT: 2620, 2621, 2622, 2623, 2624,  
 2625, 2626, 2627, 2628, 2629, 2630,  
 2631, 2632, 2633, 2634, 2635, 2636,  
 2637, 2638, 2639, 2640, 2641, 2642,  
 2643, 2644, 2645, 2646, 2647, 2648,  
 2649, 2650, 2651, 2652

**Title 22**

05/25/10 AMEND: 66262.44  
 05/19/10 AMEND: 100159, 100166, 100171  
 05/18/10 ADOPT: 100102.1, 100103.1, 100103.2,  
 100106.1, 100106.2, 100107.1 AMEND:  
 100101, 100102, 100103, 100104,  
 100105, 100106, 100107, 100108,  
 100109, 100110, 100111, 100112,  
 100113, 100114, 100115, 100116,  
 100117, 100118, 100119, 100120,  
 100121, 100122, 100123, 100124,  
 100125, 100126, 100127, 100128,  
 100129, 100130  
 05/18/10 ADOPT: 100059.1, 100061.2 AMEND:  
 100057, 100058, 100059, 100059.2,  
 100060, 100061, 100061.1, 100062,  
 100063, 100063.1, 100064, 100064.1,  
 100065, 100066, 100067, 100068,  
 100069, 100070, 100071, 100072,  
 100073, 100074, 100075, 100076,  
 100077, 100078, 100079, 100080,  
 100081, 100082, 100083  
 05/18/10 ADOPT: 100340, 100341, 100342,  
 100343, 100343.1, 100343.2, 100343.3,  
 100344, 100345, 100346, 100346.1,  
 100347, 100348, 100349  
 05/18/10 ADOPT: 100202.1, 100206.1, 100206.2,  
 100206.3, 100206.4, 100208.1,  
 100211.1, 100214.1, 100214.2, 100214.3  
 AMEND: 100201, 100202, 100203,  
 100204, 100205, 100206, 100207,  
 100208, 100209, 100210, 100211,  
 100212, 100213, 100214, 100215,  
 100216, 100217 REPEAL: 100218  
 05/12/10 ADOPT: 5300, 5400 AMEND: 5002,  
 5010, 5052, 5055, 5062, 5102, 5105  
 05/12/10 AMEND: 11-425, 22-001, 22-003,  
 22-009, 45-302, 45-303, 45-304,  
 45-305, 45-306

|                      |  |                  |   |
|----------------------|--|------------------|---|
| 05/06/10             | AMEND: 66273.36  | <b>Title 23</b>  |   |
| 04/08/10             | AMEND: 50778   | 05/20/10         | ADOPT: 2910 REPEAL: 2910  |
| 04/05/10             | AMEND: 4446.5  | 03/10/10         | AMEND: 3005   |
| 03/03/10             | AMEND: 70055, 70577, 70703, 70706,<br>70707, 70717, 70749, 70751, 70753,<br>71053, 71203, 71205, 71503, 71507,<br>71517, 71545, 71551, 71553, 72091,<br>72109, 72303, 72311, 72315, 72319,<br>72337, 72413, 72423, 72433, 72453,<br>72461, 72471, 72515, 72523, 72525,<br>72528, 72543, 72547, 73077, 73089,<br>73301, 73303, 73311, 73313, 73315,<br>73325, 73329, 73399, 73409, 73449,<br>73469, 73479, 73489, 73517, 73519,<br>73523, 73524, 73543, 73547, 79315,<br>79351, 79637, 79689  | 03/04/10         | ADOPT: 2631.2   |
|                      |  | 02/25/10         | ADOPT: 3919.6   |
|                      |  | 02/24/10         | ADOPT: 3919.7   |
|                      |  | 02/22/10         | ADOPT: 2631.2   |
|                      |  | 01/26/10         | AMEND: 3939.10  |
|                      |  | <b>Title 25</b>  |   |
|                      |  | 06/11/10         | AMEND: 8315   |
|                      |  | 05/25/10         | AMEND: 7966, 7970   |
|                      |  | 03/26/10         | AMEND: 10001  |
|                      |  | 02/25/10         | ADOPT: 6200, 6201, 6202, 6203   |
|                      |  | 01/29/10         | AMEND: 5000, 5001, 5002, 5010, 5011,<br>5012, 5013, 5020, 5020.5, 5021, 5022,<br>5023, 5023.5, 5024, 5025, 5026, 5027,<br>5028, 5029, 5030, 5032, 5034, 5036,<br>5038, 5040, 5043, 5050, 5051, 5052,<br>5053, 5054, 5055, 5056, 5057, 5060,<br>5061, 5062, 5063, 5070, 5071, 5072,<br>5073, 5080, 5081, 5082, 5082.5, 5083,<br>5090, 5094, 5301, 5302, 5304, 5306,<br>5308, 5310, 5312, 5314, 5316, 5318,<br>5320, 5322, 5324, 5326, 5328, 5332,<br>5336, 5338, 5340, 5342, 5344, 5346,<br>5348, 5350, 5352, 5354, 5356, 5360,<br>5362, 5364, 5366, 5368 REPEAL: 5042 |
| 02/24/10             | ADOPT: 97177.10, 97177.15, 97177.20,<br>97177.25, 97177.30, 97177.35,<br>97177.45, 97177.50, 97177.55,<br>97177.60, 97177.65, 97177.67,<br>97177.70, 97177.75, 97199.50, 97200<br>AMEND: 97170, 97172, 97174, 97176,<br>97178, 97180, 97182, 97184, 97186,<br>97188, 97190, 97192, 97194<br>(renumbered as 97199), 97196, 97198  | <b>Title 27</b>  |   |
| 02/23/10             | AMEND: 7000  | 04/09/10         | ADOPT: 22100, 22101, 22103, Division<br>2 Form CalRecycle 114 AMEND: 20164,<br>21200, 21570, 21640, 21685, 21820,<br>21840, 21865, 21880, 22102, 22211,<br>22220, 22221, 22231, 22234, 22245,<br>22248, Division 2 Appendix 3, Division 2<br>form Calrecycle 100, Division 2 form<br>Calrecycle 106   |
| 01/27/10             | AMEND: 4402.2, 4406, 4409, 4420,<br>4420.5, 4426   | 03/10/10         | AMEND: 25903  |
| 01/21/10             | AMEND: 455.5–6, 455.5–7, 455.5–8   | <b>Title MPP</b> |   |
| <b>Title 22, MPP</b> |  | 06/10/10         | AMEND: 42–302, 42–712, 42–713   |
| 03/04/10             | ADOPT: 89475.1, 89475.2 AMEND:<br>89200, 89201, 89202, 89205, 89206,<br>89207, 89218, 89219, 89219.1, 89219.2,<br>89224, 89226, 89227, 89228, 89229,<br>89231, 89234, 89235, 89240, 89242,<br>89244, 89246, 89252, 89254, 89255,<br>89255.1, 89256, 89286, 89317, 89318,<br>89319, 89323, 89361, 89370, 89372,<br>89373, 89374, 89376, 89377, 89378,<br>89379, 89387, 89387.1 renumbered as<br>89387(h), 89387.2, 89388, 89400,<br>89405, 89410, 89420, 89421, 89465,<br>89468, 89469, 89475, 89510.1, 89510.2,<br>89565.1, 89566, 89569.1, 89572.2,<br>89587.1 REPEAL: 89245, 89261,<br>89570.1 | 06/02/10         | AMEND: 19–005   |
|                      |  | 05/17/10         | ADOPT: 31–021 AMEND: 31–003,<br>31–410, 31–501  |
|                      |  | 05/17/10         | AMEND: 44–211   |
|                      |  | 05/10/10         | AMEND: 11–425, 22–001, 22–003,<br>22–009, 45–302, 45–303, 45–304,<br>45–305, 45–306   |
| 02/04/10             | ADOPT: 84074 AMEND: 83074, 83087,<br>84087, 84274, 86074, 86087, 86574,<br>89374   | 02/26/10         | ADOPT: 31–021 AMEND: 31–003,<br>31–410, 31–501  |
|                      |  | 01/29/10         | ADOPT: 91–101, 91–110, 91–120,<br>91–130, 91–140  |